(3) (5)

# AMENDED WRIT PETITION

**IN THE HIGH COURT OF JUDICATURE AT BILASPUR**

**(CHHATTISGARH)**

**WRIT PETITION NO. 2663 OF 2006**

**PETITIONER** : Smt. J. Lall, wife of shri S.B. Lall, aged about 70 years, R/o "Shraddha" Opposite Shri Hanuman Ji Mandir Near Magarpara Chowk Bilaspur (C.G.)

**VERSUS**

**RESPONDENTS** :

1. Municipal Corporation Bilaspur Through: Its Commissioner, Municipal Corporation Bilaspur (C.G.)

2. Collector Bilaspur (C.G.)

**WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, CERTIORARI, PROHIBITION ETC.**

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**आदेश पत्रक**

**मामला क्रमांक** WP 2663 /06 **सन्** / **200**

**विरुद्ध**

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

**22-12-2006**

Shri Manindra Shrivastava, Sr. Advocate with Shri Bhaskar Payasi counsel for the petitioner.

Shri A.S. Kachhawaha, counsel for Municipal Corporation, Bilaspur/ respondent No.1.

Shri N.K. Agrawal, Dy. Advocate General with Ku. Deepali Pandey, Panel Lawyer for the State/respondent No.2.

Heard.

During the course of arguments, learned counsel for the petitioner submits that in view of the demarcation report, it is inevitable for petitioner to challenge the same before competent Court of civil jurisdiction to its validity, which requires filing of civil suit and, therefore, he prays for withdrawal of the writ petition with a direction to respondents not to take any coercive steps for demolishing her building that is in question in this petition for a period of 15 (fifteen) days, to which learned counsel appearing for respondents frankly conceded and did not object to his prayer.

In view of the aforesaid situation, the writ petition is disposed of as withdrawn with a direction to respondents not to demolish the building that is in question in this petition and not to dispossess the petitioner for 15 (fifteen) days from today and if advised petitioner may seek remedy available under the law before a competent Court of civil jurisdiction. Thereafter, i.e. after 15 (fifteen) days respondents are free to take steps in accordance with law towards widening of road, construction of drainage and demolition of aforesaid building.

Consequently, I.A.Nos.11450/06 & 11451/06 stand disposed of.

Certified copy as per rules.

Sd/-
V.K.Shrivastava
Judge

10/1/07